

**PHYSICAL THERAPY EXAMINING BOARD  
JUNE 28, 2012  
MINUTES**

**PRESENT:** Lori Dominiczak, PT; Mark Shropshire, PT; Jane Stroede, PTA; Michele Thorman, PT

**STAFF:** Tom Ryan, Executive Director; Yolanda McGowan, Legal Counsel; Shawn Leatherwood, Paralegal; Karen Rude-Evans, Bureau Assistant; other DSPS staff

**GUEST:** Matt O'Neill, Fox, O'Neill and Shannon, S.C., Representing the Midwest College of Oriental Medicine; Cassandra Wind, Dierdre Dunbar and William Dunbar, Midwest College of Oriental Medicine; Ramie Zelenkova, WISCA; Sage McCormick

**CALL TO ORDER**

Michele Thorman, Chair, called the meeting to order at 8:32 a.m. A quorum of four (4) members was present.

**ADOPTION OF AGENDA**

**Amendments:**

- Item K3 (open) – DRY NEEDLING PRESENTATION, insert additional information after page 50
- Item K8a (open) – PT 7 UPDATE DRAFT, insert additional information after page 76

**MOTION:** Jane Stroede moved, seconded by Lori Dominiczak, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF MARCH 8, 2012**

**Corrections:**

- On page 4, under PRACTICE QUESTIONS/FAQ's, Change the first heading to "Prescription Devices".

➤ On page 6:

- Under CASE CLOSINGS, in the first motion, insert (P2) after “compliance gained”
- Under OTHER BUSINESS, in the second sentence, delete “Mark Shropshire” and insert “Jane Stroede”
- Under OTHER BUSINESS, change the third sentence to read, “The Board discussed education equivalency related to PT’s taking the PTA examination.”

**MOTION:** Mark Shropshire moved, seconded by Jane Stroede, to approve the minutes of March 8, 2012 as corrected. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

There were no cases to present.

**SECRETARY MATTERS**

There was no report.

**EXECUTIVE DIRECTOR MATTERS**

**Status of Public Member Appointment**

Tom Ryan contacted the Governor’s Office and at this time there is no public member appointment.

**Agenda Items**

The deadline for the receipt of agenda items is 14 working days prior to the date of the meeting. Tom Ryan reminded the Board that any late items/additions to the agenda must be of an urgent nature and must be received by Department staff at least 24 hours before the start of the meeting in order to comply with the Open Meetings Law.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

There were no cases to present.

## **BOARD DISCUSSION ITEMS**

### **FSBPT Matters**

- **September Meeting Appearance by FSBPT Representatives**

Jeffrey Rosa, Member of the FSBPT Board of Directors and Regional Liaison, and Leslie Adrian, FSBPT Head of Government Affairs, will give a presentation to the Board at the September 27, 2012 meeting. Board members expressed concerns regarding the fixed date testing and the hardships this created for the examinees. Tom Ryan will contact the FSBPT to inquire if Christine Sousa, Director of Professional Standards, could connect via teleconference at the September meeting. Board members should send questions for the FSBPT representatives to Michele Thorman for inclusion on the agenda.

Lori Dominiczak will attend the 2012 FSBPT Annual Meeting and Delegate Assembly in Indianapolis, Indiana on September 20-22.

### **Credentialing Matters**

- **Review of Equivalency Programs**

Jane Stroede expressed concern regarding the accountability of the degree equivalency review programs. Recently there were two applicants who received conflicting information from one of these programs. Lori Dominiczak will work with credentialing staff to try to resolve the discrepancies for the two applicants.

### **Dry Needling – Presentation from Matt O'Neill, Midwest College of Oriental Medicine**

Attorney Matt O'Neill, Fox, O'Neill and Shannon, S.C., representing the Midwest College of Oriental Medicine, gave a presentation challenging the PTEB's FAQ referencing the practice of dry needling by physical therapists.

Jane Stroede stated there are several advanced specialties, including dry needling, in the PT practice act that requires advanced training for practitioners. The dry needling position was originally approved by the Board in July 2009 and no complaints have been received by the Board regarding this practice.

Cassandra Wind, Wind Sports Wellness, expressed her concerns about dry needling by physical therapists.

## **Division of Enforcement Matters**

- **DOE Administrative Complaint Closure Policy**

Jeannette Lytle, DOE Attorney Supervisor and Intake and Screening Supervisor, appeared before the Board to review the DOE administrative complaint closure policy. The policy has been in effect since 2009 and was recently amended to include legal and administrative overview for the cases that are not opened and to provide a report to the boards on these cases.

Jane Stroede wants the PTEB to be proactive and to review these cases to see the complaints and issues that are received by the Department. Michele Thorman is not in favor of this policy and said the Board is serious about policing the professions.

Jeannette Lytle will take the Board's comments back to management for review. Any other comments can be sent to Ms. Lytle.

## **Education and Examination Matters**

- **Consideration of aPTtitude as Accepted Health-Related or Other (Credentialing) Organization**

At the last Board meeting the WPTA presented information regarding their continuing education approval procedures. The WPTA will report back to the Board at the first meeting in 2013 regarding the CE approval process and the audit outcome.

Jane Stroede acquired the standards from the FSBPT aPTtitude CE review process for the Board's review.

**MOTION:** Lori Dominiczak moved, seconded by Jane Stroede, to accept and recognize the FSBPT's aPTtitude as an acceptable health-related and credentialing organization for purposes of Wis. Admin. Code sec PT 9.04(2). Motion carried unanimously.

Executive Director Tom Ryan abstained from the discussion.

### **Practice Questions and FAQ's/Issues**

- **FAQ – Prescribing Devices**

Physical therapists may order devices if no prescription is required, however third-party payers may require a physician order for payment. This matter will be reviewed further with legal counsel at the next Board meeting.

- **Review of FAQ's**

The Board reviewed the FAQ's currently posted to the DSPS website. Lori Dominiczak will work with Sandy Nowack on suggested revisions.

All FAQ's must now be reviewed and approved by the Governor's Office before being posted to the DSPS website.

### **Website Updates**

The DSPS website is undergoing a comprehensive review and will be updated when the process is complete.

### **Legislation/Administrative Rule Matters**

- **PT 7 Update Draft**

The Board reviewed the updated draft of PT 7 and made some language changes. This document should be reviewed again at the September Board meeting.

- **CR 12-002 Proposed Rule Order Regarding PT 1 – PT 9**

Paralegal Shawn Leatherwood and Legal Counsel Yolanda McGowan reviewed with the Board the Proposed Rule Order regarding PT 1 – PT 9.

**MOTION:** Mark Shropshire moved, seconded by Jane Stroede, to adopt the CR 12-002 Proposed Rule Order regarding PT 1 – PT 9 and to submit to the Legislative Reference Bureau for publication. Motion carried unanimously.

### **Liaison Reports**

None.

**Speaking Engagement, Travel and Public Relation Requests**

None.

**INFORMATIONAL ITEMS**

There were no informational items.

**NEW/OTHER BUSINESS**

There was no new business.

**PUBLIC COMMENTS**

There were no public comments.

**CLOSED SESSION**

**MOTION:** Jane Stroede moved, seconded Lori Dominiczak, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Lori Dominiczak-yes; Mark Shropshire-yes; Jane Stroede-yes; and Michele Thorman-yes. Motion carried unanimously.

The Board convened into closed session at 12:20 p.m.

**RECONVENE INTO OPEN SESSION**

**MOTION:** Lori Dominiczak moved, seconded by Jane Stroede to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 2:26 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION**

**VALIDATION OF EXAMINATION SCORE**

**MOTION:** Jane Stroede moved, seconded by Lori Dominiczak, to validate the scores for the four oral examination candidates. Motion carried unanimously.

**CASE CLOSING(S)**

There were no cases to close.

**NEW/OTHER BUSINESS**

The Board gave thoughtful consideration of the presentation from the Midwest College of Oriental Medicine.

The Board members reviewed their tasks from this meeting.

**PUBLIC COMMENTS**

None.

**ADJOURNMENT**

**MOTION:** Lori Dominiczak moved, seconded by Jane Stroede, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:29 p.m.